

## CLAIM AMENDMENT

Please cancel claims 3, 11-12, 14-24, 26-32, 34, 36-38, 40-41 and 44-49 without prejudice or disclaimer as directed to subject matter not elected for prosecution in the instant application.

Please amend the claims as set forth below:

1. (Currently amended) A seed comprising genes conferring having a characteristic of resistance to at least [[two]] the herbicides glyphosate and glufosinate.
2. (Original) A plant produced by growing the seed of claim 1.
3. (Canceled)
4. (Original) Pollen of the plant of claim 2.
5. (Original) Ovule or ovules of the plant of claim 2.
6. (Original) Tissue culture of the plant of claim 2.
7. (Original) A plant regenerated from the tissue culture of claim 6.
8. (Original) A method to produce a hybrid seed comprising crossing a first parent plant with a second parent plant and harvesting the resultant F1 hybrid seed, wherein said first or second parent plant is the plant of claim 2.
9. (Currently amended) A first generation (F1) hybrid plant produced by growing said hybrid seed of claim 8, wherein the hybrid plant comprises said genes.
10. (Currently amended) A [[P]]progeny plant of the plant of claim 9, wherein the progeny plant comprises said genes.
- 11-12. (Canceled)
13. (Currently amended) The soybean plant of claim [[1]]2, wherein said plant has a commercially acceptable grain yield.
- 14-24. (Canceled)
25. (Currently amended) The soybean seed of claim [1]1, wherein said seed ~~has a characteristic of~~ further comprises a gene conferring resistance to glufosinate and isoxoflutole herbicides.

26-32. (Canceled)

33. (Currently amended) The soybean seed of claim [[1]]1, wherein said seed ~~has a characteristic of~~ further comprises a gene conferring resistance to atrazine, ~~glyphosate and glufosinate herbicides.~~

34. (Canceled)

35. (Currently amended) The soybean seed of claim [[1]]1, wherein said seed ~~has a characteristic of~~ further comprises a gene conferring resistance to ALS inhibitor, ~~glyphosate and glufosinate herbicides.~~

36-38. (Canceled)

39. (Currently amended) The soybean seed of claim [[1]]1, wherein said seed ~~has a characteristic of~~ further comprises genes conferring resistance to atrazine~~[[,]]~~ and ALS inhibitor, ~~glyphosate and glufosinate herbicides.~~

40-41. (Canceled)

42. (Currently amended) The soybean seed of claim [[1]]1; wherein said seed ~~has a characteristic of~~ further comprises genes conferring resistance to ~~glyphosate,~~ ALS inhibitor, ~~glufosinate~~ and isoxoflutole herbicides.

43. (Currently amended) The soybean seed of claim [[1]]1, wherein said seed ~~has a characteristic of~~ further comprises genes conferring resistance to atrazine, ~~glyphosate,~~ ALS inhibitor, ~~glufosinate~~ and isoxoflutole herbicides.

44-49. (Canceled)